

## **MINUTES OF A MEETING OF THE LEMON GROVE CITY COUNCIL**

**June 20, 2017**

*The City Council also sits as the Lemon Grove Housing Authority, Lemon Grove Sanitation District Board, Lemon Grove Roadway Lighting District Board, and Lemon Grove Successor Agency*

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### **Call to Order**

City Councilmembers present:

Mayor Racquel Vasquez, Mayor Pro Tem Jennifer Mendoza, Councilmember David Arambula, Councilmember Jerry Jones, and Councilmember Matt Mendoza.

City Council Members absent:

None.

City Staff present:

City Manager, Lydia Romero; Development Services Director, David De Vries, Management Analyst, Miranda Evans; City Clerk, Susan Garcia; Assistant City Manager/Public Works Director; Mike James, City Attorney, James Lough; Finance Manager, Auggie Matt; Sheriff's Department Sergeant, Kelly Moody; Human Resources Manager, Corinne Russell; Finance Department, Gilbert Rojas; Fire Chief, Colin Stowell; and Management Analyst, Malik Tamimi.

### **Pledge of Allegiance**

The Pledge of Allegiance was led by Councilmember Jones.

Mayor Vasquez called to order a concurrent special meeting for a closed session item, additional to the three items listed on the regular agenda.

### **Presentation**

Mayor Vasquez presented the July is Parks and Recreation Month Proclamation to the City's Community Services staff.

Luis Valdiva reported on the 2017 San Diego County Fair at the Del Mar Fairgrounds.

### **Public Comment**

John L. Wood commented on Trolley operations, media coverage of the park ordinance, and the City Council's position on SANDAG's voting structure.

Paula La Bond commented on issues along Sweetwater Road and asked for the cost of a solar powered sign.

Lani Stacks commented on a woman who had handed out rabbits, Lemon Grove Pets Store, and on an article regarding milk.

## 1. Consent Calendar

James Lough noted that Consent Calendar item 1.L Five Year Lease Agreement with the Lemon Grove Historical Society for the Use of the H. Lee House Located at 3205 Olive Street needs to be removed for discussion.

- A. **Approval of City Council**  
April 8, 2017 - Special Meeting
- B. **Ratification of Payment Demands**
- C. **Waive Full Text Reading of All Ordinances and Resolutions on the Agenda**
- D. **Community Development Block Grant Program Cooperation Agreement**
- E. **Renewal of Professional Services Agreement Stormwater Program Support Services with D-MAX Engineering, Inc.**
- F. **Renewal of Stormwater Professional Services Agreement for Plan Review and Construction Inspections with D-MAX Engineering, Inc.**
- G. **Reimbursement of Expenses to the City of San Diego Based on Draft Cost Share Agreements Phase 1 Activities Associated with Investigative Order No. R9-2015-0058 for the Investigation of Sediment Quality in the Mouth of Chollas Creek**
- H. **Acceptance of the Connect Main Street Project (Contract No. 2017-16) Segment I Phase**
- I. **Approve the Engineer's Report Detailing Zone L Assessments for Fiscal Year 2017-2018**
- J. **Approve the Engineer's Report Detailing Sewer Service Charges for Fiscal Year 2017-2018**
- K. **Contract Extension for Street Light Maintenance and Repair**
- M. **Levy and Collection of Assessments within the Lemon Grove Wildflower Landscape Maintenance Assessment District 97-1 for Fiscal Year 2017-2018**
- N. **Reject All Bids for the North Avenue/Olive Street 20A Muni-Trench & Conduit**
- O. **Revise the Completion Date for Converting the Overhead Distribution Facilities within Underground Utility District No. 7**

**Action: Motion by Councilmember Jones, seconded by Councilmember Arambula, to approve the Consent Calendar without item 1.L passed, by the following vote:**

**Ayes: Vasquez, J. Mendoza, Arambula, Jones, M. Mendoza**

**Resolution No. 2017- 3510:** Resolution of the City Council of the City of Lemon Grove, California, Authorizing the Renewal of the Community Development Block Grant (CDBG) Program Cooperation Agreement for Three (3) Periods from July 1, 2018 through June 30, 2021

**Resolution No. 2017- 3511:** Resolution of the City Council of the City of Lemon Grove, California Approving an Agreement for Professional Services with D-Max Engineering, Inc. for Stormwater Plan Review and Construction Inspection Services

**Resolution No. 2017- 3512:** Resolution of the City Council of the City of Lemon Grove, California Approving an Agreement for Professional Services with D-Max Engineering, Inc. for Stormwater Support Services

**Resolution No. 2017 - 3513:** Resolution of the Lemon Grove City Council Approving a Reimbursement of Expenses to the City of San Diego for the Implementation of Phase 1 Activities Associated with Investigative Order R9-2015-0058 Pertaining to an Investigation of Sediment Quality in the Mouth of Chollas Creek, San Diego Bay, San Diego County, California

**Resolution No. 2017- 3514:** Resolution of the Lemon Grove City Council Accepting the Connect Main Street Segment I Phase I Project (Contract No. 2017-16) as Complete

**Resolution No. 2017- 169:** Resolution of the Lemon Grove Roadway Lighting District Approving the Engineer's Report Regarding the Zone L Charges for Fiscal Year 2017-2018

**Resolution No. 2017-286:** Resolution of the Board of Directors of the Sanitation District Approving the Engineer's Report Regarding the Sewer Service Charges for Fiscal Year 2017-2018

**Resolution No. 2017- 3515:** Resolution of the City Council of the City of Lemon Grove and the Board of Directors of the Lemon Grove Lighting District Authorizing a One-Year Extension of the Existing Contract between the City and CTE, Inc. for Street Light Maintenance and Repair for Fiscal Year 2017-2018

**Resolution No. 2017 – 3517:** Resolution of the City Council of the City of Lemon Grove, California Approving the Levy and Collection of Assessments with the Lemon Grove Wildflower Landscape Maintenance Assessment District 97-1 for Fiscal Year 2017-2018

**Resolution No. 2017- 3518:** Resolution of the Lemon Grove City Council Rejecting All Bids for the North Avenue/Olive Street 20A Muni-Trench and Conduit Project

**Resolution No. 2017-3519:** Resolution of the City Council of the City of Lemon Grove, California Revising the Completion Date for Converting the Overhead Distribution Facilities within Underground Utility District No. 7

**1. L Five Year Lease Agreement with the Lemon Grove Historical Society for the Use of the H. Lee House Located at 3205 Olive Street**

Mike James noted that there were substantive revisions to the agreement after preparation of the agenda. He provided the City Council with the revised version of the agreement. The revisions are the Historical Society will pay a \$100 fee when the gazebo area is rented and permits approved by the Community Services Superintendent are a no fee permit.

**Action: Motion by Councilmember Jones, seconded by Mayor Pro Tem J. Mendoza, to approve Consent Calendar item 1. L passed, by the following vote:**

**Ayes: Vasquez, J. Mendoza, Arambula, Jones, M. Mendoza**

**Resolution No. 2017-3516:** Resolution of the City Council of the City of Lemon Grove, California Approving a Five Year Lease Agreement with the Lemon Grove Historical Society for the Use of the H. Lee House Located at 3205 Olive Street

**2. Appointment of Three Permanent and Two Alternate Community Advisory Commission Members**

Miranda Evans stated that on June 13, 2017, the City Council interviewed fourteen Community Advisory Commission (CAC) applicants. Following the interviews, there was an unanimous vote for the three permanent CAC appointees James Davis, Angeles Nelson, and Yajaira Preciado. These three permanent CAC members will be required to submit conflict of interest forms and complete ethics training.

Ms. Evans noted that two alternate members were selected to each serve a one-year term and unanimously voted to appoint Tom Clabby as first alternate and Walter Oliwa as second alternate.

Public Speaker(s)

There were no requests from the public to speak

**Action: Motion by Mayor Pro Tem J. Mendoza, seconded by Councilmember Jones, to adopt the resolution passed, by the following vote:**

**Ayes: Vasquez, J. Mendoza, Arambula, Jones, M. Mendoza**

**Resolution No. 2017 - 3520:** Resolution of the City Council of the City of Lemon Grove, California Appointing Three Permanent and Two Alternate Members to the Community Advisory Commission

**3. Fiscal Year 2017-2018 Consolidated Operating and Capital Budget**

Gilbert Rojas explained that on June 6, 2017, staff presented a draft of the Fiscal Year 2017-18 (FY 2017-18) budgets for all City funds as well as the Sanitation District and the Roadway Lighting District for feedback. Based on feedback received, staff presents the FY 2017-18 consolidated budget for approval by the City Council, the Roadway Lighting District Board, the Sanitation District Board, and the Successor Agency. The Draft Budget presented to the City Council on June 6, highlighted the following items:

2% cost of living increase for all Fire Safety employees (as specified in contract)

6% increase in the Sheriff Department service contract

10 year RCS lease to upgrade communication equipment at an annual cost of \$49,000

Contracting for City Engineer service with an Engineering firm for \$218,000. Cost is allocated over multiple funds.

An increase for the Animal Services contract.

Public Speaker(s)

There were no requests from the public to speak.

**Action: Motion by Councilmember Jones, seconded by Councilmember Arambula, to approve the resolution passed, by the following vote:**

**Ayes: Vasquez, J. Mendoza, Arambula, Jones, M. Mendoza**

**Resolution No. 2017- 3521:** Resolution of the City Council of the City of Lemon Grove, California Approving the City of Lemon Grove Budget for Fiscal Year 2017-2018 and Authorizing Expenditures Thereto

**Action: Motion by Councilmember Arambula, seconded by Councilmember Jones, to approve the resolution passed, by the following vote:**

**Ayes: Vasquez, J. Mendoza, Arambula, Jones, M. Mendoza**

**Resolution No. 2017- 3522:** Resolution of the City Council of the City of Lemon Grove, California Approving a Salary Plan and Classification Summary

**Action: Motion by Councilmember M. Mendoza, seconded by Councilmember Jones, to approve the resolution passed, by the following vote:**

**Ayes: Vasquez, J. Mendoza, Arambula, Jones, M. Mendoza**

**Resolution No. 2017- 3523:** Resolution of the City Council of the City of Lemon Grove, California Establishing the Appropriations Limit for Fiscal Year 2017-2018

**Action: Motion by Mayor Pro Tem J. Mendoza, seconded by Board Member Jones, to approve the Consent Calendar passed, by the following vote:**

**Ayes: Vasquez, J. Mendoza, Arambula, Jones, M. Mendoza**

**Resolution No. 2017- 170:** Resolution of the Lemon Grove Roadway Lighting District Board Approving the Lemon Grove Roadway Lighting District Budget for Fiscal Year 2017-2018 and Authorizing Expenditures Thereto

**Action: Motion by Board Member Jones, seconded by Board Member Arambula, to approve the Consent Calendar passed, by the following vote:**

**Ayes: Vasquez, J. Mendoza, Arambula, Jones, M. Mendoza**

**Resolution No. 2017- 287:** Resolution of the Lemon Grove Sanitation District Board Approving the Lemon Grove Sanitation District Budget for Fiscal Year 2017-2018 and Authorizing Expenditures Thereto

#### **4. Public Hearing to Consider Variance Request VA1-700-0001 to Modify Development Standards Requiring Two Off-street Parking Spaces to be Garaged in the Residential Low Zoning District**

Michael Viglione explained that this item is a variance application at 6547 MacArthur Drive. The variance is a modification of the Residential Low Zoning District Development Standard that requires two garaged, off-street parking spaces per house.

The property owner submitted the Variance application in response to City Code Enforcement Action in late 2016 after non-permitted alterations were discovered. Specifically, the attached garage was converted into a living room, while both the basement and the detached garage were converted into accessory apartments. The conversion of both garages left the property without garaged, off-street parking in violation of the Off-Street Parking Development Standard. The Code Enforcement Citation requires the legalization of these non-permitted conversions either through building permits, demolition permits or a combination thereof.

In January, the applicant filed a Variance application proposing unenclosed off street parking to preserve both garage conversions as living space.

The plot plan submitted with the variance application shows the proposed parking pad behind the house approximately 140 feet from the MacArthur Drive. The pad provides space enough for 4 vehicles, exceeding the number of off-street spaces required at this location for a dwelling and accessory apartment.

The proposed parking area is also about 15 feet below the grade at the front of the house and is not visible from the street. Trees partially obscure the parking area from adjoining neighbors.

The following Findings must be made for the approval of the application. To paraphrase:

That the strict application of the title deprives the property of rights enjoyed by others.

That the Variance is necessary to preserve a property right possessed by other property owners.

The Variance will not be a detriment to the public health, welfare or property.

The Variance will not constitute a special privilege.

Mr. Viglione explained that staff believes the project may be approved because the proposed concealed parking pad satisfies the intent of the Residential Low Zoning District's Garaged, Off-Street Parking Requirement. Staff believes the intent is to limit cars that are visible from adjacent public streets. Accessory apartments are also an important housing resource that the State is encouraging. A maximum of one additional accessory apartment will be allowed on site. If findings are made granting the variance, a condition requiring the maintenance of the parking area in perpetuity will be included. Conversely, staff believes the project may be denied because the proposed parking pad does not meet the letter of the law and the property has sufficient space to provide a 2-car garage.

Regardless of the decision, the applicant will be required to permit or demolish all unpermitted construction to close the code enforcement action.

Andrea Vielma, property owner's partner, explained that the construction of an additional garage would result in financial hardship. Further, restoring the garages would result in the destruction of valuable architectural and artistic elements.

Mayor Vasquez opened the public hearing.

Public Speaker(s)

Tom Clabby commented that the property owner should be required to comply with the City's zoning regulations and added that the City might not be receiving property tax related to the conversions.

**Action: Motion by Councilmember Jones, seconded by Councilmember Arambula, to close the public hearing passed, by the following vote:**

**Ayes: Vasquez, J. Mendoza, Arambula, Jones, M. Mendoza**

**Action: Motion by Councilmember Jones, seconded by Councilmember Arambula, to closed the public hearing and adopt the resolution passed, by the following vote:**

**Ayes: Vasquez, J. Mendoza, Arambula, Jones, M. Mendoza**

**Resolution No. 2017-3524:** Resolution of the Lemon Grove City Council Denying Variance Request VA1-700-0001 to Modify Off-Street Parking Requirements for Two Off-Street Parking Spaces to be Unenclosed (Not Garaged) At 6547 Macarthur Drive, Lemon Grove, California

## **5. Public Hearing to Consider Ordinance No. 446 – Zoning Amendment ZA1-500-0002 Amending the Alcoholic Beverage Sales Regulations and the General Commercial Zoning District Regulations to Allow for Light Manufacturing, Brewpubs, Wine Bars and Related Accessory Use**

David De Vries explained that this item is a City initiated request to allow for and encourage alcoholic beverage manufacturers like breweries and wineries in the City's commercial and industrial zones.

Cities like Santee, Vista and the City of San Diego have encouraged breweries and related uses and have received increased economic development, sales tax revenue and neighborhood revitalization as a result. These have also created valuable regional destinations for these cities.

The zoning amendment request is to amend the general commercial zoning regulations and the alcoholic beverage sales ordinance regulations to allow for light manufacturing uses like breweries, wineries, distilleries, rectifiers, brewpubs and wine bars. These would be considered an incidental use allowed by right, provided the new business complies with performance standards related to noise, air emissions, odor and other standards and also the minimum conditions of approval shown, in the alcoholic beverage sales ordinance.

Other incidental uses like restaurants serving beer and wine would also be subject to the same provisions and would now be allowed by right without requirements for public noticing or minor use permit.

The amendment also includes allowances for accessory uses that are common with brewery type businesses including tasting rooms, outdoor consumption in fenced patio areas, catering on-site, live music indoors, recreational activities including billiards or darts, or games of skill or chance like video games and retail sales of alcoholic beverages for off-site consumption, for instance, buying a six pack or a growler to bring home. . These are common amongst breweries and similar uses. .

After sending the staff report to the prospective brewery owner, the owner stated that prohibiting the single-serve beers is problematic because a lot of their business is selling single-serve 32 ounce beers cans called growlers. The proposed zoning amendment would allow sales of two or more at a time, but not just one. Should the Council desire to allow the single-serve sales for manufacturers only, staff recommend saying "excepting off-sale alcoholic beverages from manufacturers on-site" as a part of the prohibition requirements.

An Initial Environmental Study was prepared for this project and identified potential environmental impacts related to noise from new outdoor patios and indoor live music. Appropriate noise mitigation measures will be implemented for each project and noise complaints can result in the closure of these patio and live music areas.

Mr. De Vries noted that written correspondence was received in support of this item from Bob Frank, 13 Point Brewing Company, and the San Diego Brewers Guild.

Mayor Vasquez opened the public hearing.

### **Public Speaker(s)**

Anita Lopez, spoke on behalf of the Heal Zone, expressed concern with the proposed zoning ordinance, related to the message being conveyed related, to health and wellness with alcohol consumption.

**Action: Motion by Councilmember Jones, seconded by Councilmember Arambula, to close the public hearing passed, by the following vote:**

**Ayes: Vasquez, J. Mendoza, Arambula, Jones, M. Mendoza**

**Action: Motion by Councilmember Jones, seconded by Councilmember Arambula, to waive further reading and introduce Ordinance 446 with an amendment read into the record by Mr. De Vries passed, by the following vote:**

**Ayes: Vasquez, J. Mendoza, Arambula, Jones, M. Mendoza**

**Ordinance No. 446:** An Ordinance of the City Council of the City of Lemon Grove, California Amending Chapter 18.27 (Alcoholic Beverage Sales Regulations) and Section 17.16.070 (General Commercial Zoning District Regulations) of the Lemon Grove Municipal Code to Allow for Light Manufacturing, Brewpubs, Wine Bars and Related Accessory Uses

**City Council Oral Comments and Reports on Meetings Attended at the Expense of the City. (GC 53232.3 (d))**

Councilmember Jones reported that he was in Sacramento, where he attended the League of California Cities Policy Committee meetings.

Councilmember Arambula attended a MTS Board meeting and the Special City Council meeting where the Community Advisory Commission interviews were conducted. He also attended UCSD's graduation ceremony, along with Heartland Fire and Rescue's Fire OPS 101, a fund raising event for the homeless veterans' pet care, and a tour at San Onofre Nuclear Power Plant.

Councilmember M. Mendoza had no reports this evening.

Mayor Pro Tem J. Mendoza reported on the League of California Cities Policy Committee meetings in Sacramento, the League's luncheon in San Diego, and SANDAG's Transportation Committee meeting. She represented the City during a media event that covered the City's new park ordinance and participated in Heartland Fire and Rescue's Fire OPS 101.

Mayor Vasquez attended Heartland Fire and Rescue's Fire OPS 101 and thanked the firefighters for volunteering their time for this event.

**City Manager and Department Director Reports**

David De Vries reported on the upcoming community clean-up event to be held on July 22.

Mike James thanked the City Council for recognizing the community services staff. He reported on the upcoming events at Berry Street Park; Movies in the Park on July 14 and August 4 along with Concerts in the Park Thursday nights from June 29 to August 17.

**Closed Session**

Conference with Legal Counsel – Anticipated Litigation Significant exposure to litigation pursuant to paragraph (2) or (3) of subdivision (d) of Section 54956.9:

Three Cases

Closed Session Report: No reportable action was taken.



**Adjournment**

There being no further business to come before the City Council, Housing Authority, Sanitation District Board, Lemon Grove Roadway Lighting District Board, and the Lemon Grove Successor Agency, the meeting was adjourned at 9:30 p.m.

Susan Garcia, City Clerk